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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF TRANSMISSION

I certify that I am transmitting this document, and the other documents referred to therein as attached, by telephone facsimile to the Commissioner for Patents at telephone number (703) 872-9306 on Feb. 24, 2004.

*J. Michael Neary*  
J. Michael Neary

*Feb. 24 2004*  
Date

*(703) 872-9306*

#21  
Supply to  
Reg to w/D  
du

Inventor: Gabrys and Simmons

Serial No.: 09/630,157 ✓

Filed: July 31, 2000

Title: "Flywheel Hub-to-Rim Coupling"

)  
) Group Art Unit: 3682  
)  
) Examiner: Chong H. Kim  
)  
)

February 24, 2004

Request to Reinstate Pendancy

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the above identified application be reinstated to active pending status and that the application file be forwarded to the Examiner for action on Applicants' Appeal Brief filed on January 7, 2003, a copy of which is attached hereto.

In a Final Office Action dated June 7, 2002, all pending claims 1-8 and 10-20 were rejected under 35 USC 112 for insufficient disclosure. Applicants Filed a Notice of Appeal on November 7, 2002 and an Appeal Brief on January 7, 2003.

In a 3<sup>rd</sup> Advisory Action dated February 25, 2003, the Examiner refused to consider or enter "the affidavit or amendment". Evidently, this 3<sup>rd</sup> Advisory Action was pursuant to a Decision on Petition dated 1/27/03, which denied Applicants' Petition dated January 2, 2003 for entry of an affidavit of co-inventor Dennis Simmons. Then, in a 4<sup>th</sup> Advisory Action dated March 7, 2003, the Examiner refused to enter an

Amendment filed on January 13, 2003 with the Appeal Brief, which was mailed with a Certificate of Mailing on January 7, 2003.

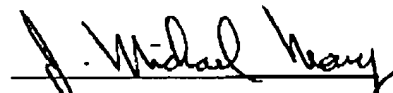
The PTO's PAIR system describes both item numbers 23 and 32 on the File Contents History as "Notice of Appeal Filed". The second item, received by the PTO on Jan 13, 2003, was actually the Appeal Brief that Applicants filed in triplicate on Jan 7, 2003. Since the PAIR system has a record of something being filed on that date (even though it is incorrectly described in PAIR as another Notice of Appeal), the Appeal Brief filed 1/7/03 can probably be found in the file. If not, Applicants are transmitting herewith a copy of that Appeal Brief.

A Notice of Abandonment dated Sept. 24, 2003, was issued, holding the application abandoned for failure to respond to "the Office letter mailed on 02 March 2003." Applicants have not received anything from the PTO in this application dated 02 March 2003. The closest correspondence from the PTO to that date is the 4<sup>th</sup> Advisory Action dated March 7, 2003. There is nothing else listed in the File Contents History in PAIR with the 02 March 2003 date, so Applicants assume that the "02 March 2003", date of the "Office letter" is merely a typo and the Advisory Action of March 7, 2003, is what was intended. As far as Applicants can determine, no response to the Advisory Action of March 7, 2003 was required, and Applicants were waiting after that date for the Examiner to act on Applicants' Appeal Brief mailed on January 7, 2003.

On October 12, 2003, Applicants transmitted by fax a "Request to Withdraw Notice of Abandonment", but never received any communication from the PTO on that Request. Examiner Kim has been helpful in attempting to resolve this matter, but the file appears to be elusive.

Applicants respectfully request that they be informed what the PTO decision on this request is, whether positive or negative, so that Applicants can respond appropriately.

Respectfully submitted,



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